

Remarks

Claims 2, 3, 6, 8-11, 15-30, 32, 34-41, 44-98, 101, 102, 105, and 106 are currently pending. Claims 2, 3, 6, 8-11, 15-18, 22-27, 37, 39-41, 44-46, 57, 63-67, 69, and 83 are currently amended. Claims 1, 4, 5, 7, 12-14, 42, 43, 99, 100, 103, and 104 are canceled. Claim 106 is new. Reconsideration is requested in view of the above changes and following remarks.

Support for Claim Amendments:

Claim 6, now an independent claim, has been amended to include the features of independent claim 1 as originally presented along with the allowable subject matter of claim 7.

Claim 11, now an independent claim, has been amended to include the features of independent claim 1 as originally presented. Claim 11 also includes the allowable subject matter recited in claims 12, 13, and 14.

Claim 106, a new claim, includes the subject matter of claim 1 as originally presented, claim 23, claim 28, and the allowable subject matter included in claims 31 and 33.

Claims 2, 3, 10, 15, 22-27, 37, and 39-41 have been amended to depend from claim 6.

Claim 18 has been amended to depend from claim 15.

Claims 8 and 9 have been amended to depend from claim 11.

Claims 16 and 17 have been amended to depend from claim 93.

Claims 44-46, 57, 63-67, 69, and 83 have been amended to depend from claim 101.

Discussion:

Claim 6

Claim 6 is now independent. Claim 6 incorporates claim 7 as well as original claim 1 and is believed to be in condition for allowance. The base solvent of claim 7 has been indicated in the alternative in the body of the claim. Amended claim 1, as presented in the response submitted on June 20, 2007, has not been incorporated into claim 6. The Applicants believe that incorporation of original claim 1 as filed into claim 6 is proper since original claim 6 as filed was indicated as being allowable in the first office action.

The prosecution history of claims 6, 7, and 1 is summarized here for the convenience of the Examiner. Specifically, in a first Office Action mailed on February 21, 2007, claims 6 and 7 were noted as being allowable, but for being dependent upon a rejected base claim. In response to that Office Action, the Applicants chose not to amend claims 6 and 7 into claim 1. Instead, the Applicants attempted to amend claim 1 to overcome the art of record by reciting additional elements not related to the base solvent.

In response to the Applicant's amendment, the Examiner rejected amended claim 1 by citing new art. In the rejection, however, the Examiner once again noted that claims 6 and 7 would be allowable but for their dependence upon a rejected base claim. Thus, in his subsequent search, the Examiner did not uncover any additional art that made the subject matter of claims 6 or 7 obvious.

Therefore, because claims 6 and 7 are not obvious, the Applicants respectfully submit that they are entitled to claims encompassing the broader non-obvious embodiment of their invention, *i.e.* the embodiment described in original claim 1. The incorporation of original claim 1 into claim 6 is therefore proper. As claim 6 is believed to be in condition for allowance, the Applicants respectfully submit that all claims that depend therefrom are likewise in condition for allowance.

Claim 11

Claim 11, now independent, incorporates the allowable subject matter of claims 11, 12, 13, 14 in the alternative. Claim 11, as amended, is commensurate in scope with the indication of allowability of claims 11-14 in the first Office Action. None of the art of record teaches an electrophoresis system as recited in original claim 1 in combination with the conductivity enhancers set forth in claim 11. Claim 11 is therefore believed to be in condition for allowance. The Applicants respectfully submit that all claims that depend from amended claim 11 are likewise allowable.

Claim 106

Claim 106 is a new independent claim that recites the allowable subject matter of claims 31 and 33 in the alternative. Claim 106 incorporates the subject matter of original claim 1 as filed. As a result of incorporating original claim 1 into claim 106, the claim is not commensurate in scope with the subject matter noted as allowable in the first Office Action. The Applicants respectfully submit that despite this *apparent* discrepancy, original claim 1 has been properly incorporated into claim 106 and, as a result, claim 106 is in condition for allowance. The reasoning for applicants' position is as follows.

Claim 31 was rejected in the Office Action mailed February 21, 2007. Although the claim was rejected under 35 U.S.C. §103(a) over Hong in view of Harrington, the rejection was not actually based on prior art. Instead, the rejection was based on the claim's phrasing. To overcome the rejection, the Applicants amended claim 31's phrasing but did not alter the claim's scope. In response to this amendment, the Examiner noted that claim 31 would be allowable but for being dependent upon a rejected base claim.

The Applicants respectfully submit that had the initial rejection of claim 31 been a rejection over Hong in view of Harrington, the Examiner would not have allowed amended claim 31 in the second Office Action. Rather, in the second Office Action, the Examiner would have once again rejected claim 31 as both Hong and Harrington were still relied upon by the Examiner to reject all claims from which claim 31 depended.

It is therefore the Applicant's position that if claim 31 had been phrased properly prior to the first Office Action, claim 31 would have been acknowledged as being allowable as none of the references cited in the first Office Action taught an electrophoresis system wherein the electrophoretic membrane was polyethylene terephthalate or polybutylene terephthalate.


Therefore, the Applicants respectfully submit that original claim 1 has been properly combined with the allowable subject matter in claims 31 and 33. Claim 106 is therefore believed to be in condition for allowance.

Conclusion

All claims remaining in the application are believed to be in condition for allowance. An early action to that end is earnestly solicited.

Respectfully submitted,

FRANK N. CHANG

BY 
DANIEL A. MONACO
Reg. No. 30,480
DRINKER, BIDDLE & REATH, LLP.
One Logan Square
18th and Cherry Streets
Philadelphia, PA 19103-6996
Phone: (215) 988-3312
Fax: (215) 988-2757
Attorney for Applicants